

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**COLONY INSURANCE COMPANY,**

**Plaintiff,**

**v.**

**RONSHABUS GRIFFIN; SOUL INN, INC.;  
and HPC ENTERTAINMENT GROUP, INC.,)**

**Defendants.**

**Case No.: 3:06cv00555-MEF**

**NOTICE OF DISMISSAL OF SOUL INN, INC.**

Comes now Plaintiff Colony Insurance Company (hereinafter "Colony"), by and through the undersigned counsel, and pursuant to F.R.C.P. 41(a) herewith files this Notice of Dismissal, without prejudice, of separate defendant Soul Inn, Inc., and as grounds therefore, would show unto this Court as follows:

1. Soul Inn, Inc., was named as a defendant in Colony's Complaint for Declaratory Relief.

2. Colony has subsequently learned, from counsel for defendant HPC Entertainment Group, Inc., that Soul Inn, Inc., sold its interest in the Soul Inn nightclub to HPC Entertainment Group, Inc., in 1994, and that Soul Inn, Inc., has no ownership interest in the Soul Inn nightclub. Although "Soul Inn, Inc." is a defendant in the underlying lawsuit of *Griffin v. Soul Inn, Inc.*, Macon County (Ala.) Circuit Court no. CV-06-77, HPC Entertainment Group, Inc., answered the complaint in the underlying lawsuit, and it appears that the defendant was

misnomered in the underlying lawsuit.

3. Additionally, documents obtained from the Alabama Department of Revenue reflect that Soul Inn, Inc., was administratively dissolved on October 13, 1995. (Exhibit 1).

4. Accordingly, Soul Inn, Inc., is due to be dismissed from the instant Declaratory Action.

5. This Notice of Dismissal is without prejudice, in the event that Soul Inn, Inc., should later be determined to be a viable corporate entity and/or to have some colorable interest in the outcome of this litigation.

WHEREFORE, for the above-stated reasons, Plaintiff Colony Insurance Company files this Notice of Dismissal, without prejudice, of separate defendant Soul Inn, Inc., in the above-styled case.

Respectfully submitted this the 5<sup>th</sup> day of October, 2006.

/s/ JASON J. BAIRD

**ALBERT S. AGRICOLA** (ALA. ID AGR001)

**JASON J. BAIRD** (ALA. ID BAI035)

**ATTORNEYS FOR PLAINTIFF**

**COLONY INSURANCE COMPANY**

**OF COUNSEL:**

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**Case No.: 3:06cv00555-MEF**

**RONSHABUS GRIFFIN; SOUL INN, INC.;** )

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**Defendants.** )

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5<sup>th</sup>, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Although no defendants herein have yet participated using the CM/ECF system, I hereby certify that I have mailed through the U.S. Postal Service the foregoing document to the following non-CM/ECF participants:

John I. Cottle, Esq.  
Bowles & Cottle  
P.O. Box 780397  
Tallassee, AL 36078  
*Counsel for Ronshabus Griffin*

Albert Bulls, Esq.  
P.O. Box 1233  
Tuskegee, AL 36087  
*Counsel for HPC Entertainment Group, Inc.*

Respectfully submitted,

/s/ Jason J. Baird

Algert S. Agricola, Jr. (Ala. ID AGR001)

Jason J. Baird (Ala. ID BAI035)

**SLATEN & O'CONNOR, P.C.**

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**EXHIBIT 1**



G. THOMAS SURTEES  
Commissioner

# State of Alabama Department of Revenue

(www.ador.state.al.us)  
50 North Ripley Street  
Montgomery, Alabama 36132

CYNTHIA UNDERWOOD  
Assistant Commissioner  
LEWIS A. EASTERLY  
Secretary

September 18, 2006

Jason Baird  
Slaten & O'Connor, P.C.  
105 Tallapoosa Street, Suite 101  
Montgomery, AL 36104

Re: Soul Inn, Inc.

Dear Mr. Baird:

Per our records, Soul Inn, Inc. was administratively dissolved effective October 13, 1995. If you need any additional information, please contact me at (334) 353-8681.

Sincerely,

Voncile Catledge, Manager  
Business Tax Section  
Individual and Corporate Tax Division